

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARLENA J.D. RODRIGUEZ,

Plaintiff,

v.

Case No. 18-cv-475-pp

JEANETTE S. HOFFMAN,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(DKT. NO. 21), GRANTING PLAINTIFF'S MOTION FOR VOLUNTARY
DISMISSAL (DKT. NO. 25) AND DISMISSING CASE WITHOUT PREJUDICE**

The plaintiff, who is representing herself, filed this lawsuit under 42 U.S.C. §1983, alleging that the defendant violated her constitutional rights. Dkt. No. 1. On May 2, 2018, the court issued a screening order, directing the plaintiff to amend her complaint by May 23, 2018. Dkt. No. 7. The plaintiff did not file an amended complaint by that deadline, so on June 4, 2018, the court dismissed the case without prejudice for failure to pursue it. Dkt. No. 8. On June 7, 2018, the plaintiff filed the amended complaint, dkt. no. 10, then filed a motion asking the court to allow her to proceed with the case, dkt. no. 11. The court granted that motion, screened the amended complaint and allowed the plaintiff to go forward on an equal protection claim against defendant Hoffman. Dkt. No. 12. The court dismissed the remaining defendants. Id.

On September 25, 2018, the defendant filed a motion for summary judgment, primarily arguing that the court should grant judgment in her favor

because the plaintiff had failed to exhaust her administrative remedies. Dkt. No. 21. The plaintiff has since responded, admitting she did not use the inmate complaint system and asking the court to dismiss her case. Dkt. No. 25. The court will grant the plaintiff's request; because it is dismissing the case for failure to exhaust administrative remedies, it will dismiss the case without prejudice (which means the plaintiff can bring a new case once she has exhausted her remedies, assuming there are no statute-of-limitations problems). Ford v. Johnson, 362 F.3d 395, 401 (7th Cir. 2004).

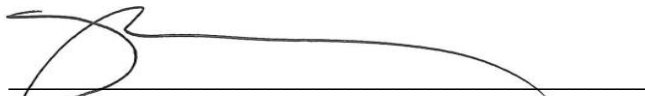
The court **GRANTS** the defendant's motion for summary judgment. Dkt. No. 21.

The court **GRANTS** the plaintiff's motion to voluntarily dismiss her case. Dkt. No. 25.

The court **ORDERS** that the case is **DISMISSED WITHOUT PREJUDICE**, and will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 3rd day of January, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge